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19 UNITED STATES DISTRICT COURT

20 NORTHERN DISTRICT OF CALIFORNIA

21 TIM O'NEILL, an individual; on behalf of) Case No. CV08-4107 SI
himself and all others similarly situated,)
22 Plaintiff,) **STIPULATION AND PROPOSED
v.) ORDER TO CONTINUE JANUARY 15,
GENESIS LOGISTICS, INC. and DOES 1) 2010 CASE MANAGEMENT
through 10, inclusive) CONFERENCE
23 Defendants.)
24) Judge: Honorable Susan Illston
25) Ctrm: 10, 19th floor
26) Date/Time: 1/15/10, 2:30 PM
27)
28)**

29 WHEREAS on December 3, 2010 the parties participated in an early mediation before
30 Mediator Jeffrey Krivis in Los Angeles, California;

31 WHEREAS the matter was not settled at the mediation but the parties continued
32 settlement discussions with Mr. Krivis until December 22, 2009;

WHEREAS on December 22, 2009, the parties agreed to settle the class claims and as part of the settlement, on December 23, 2009, plaintiff notified the Labor and Workforce Development Agency of the existence of a Private Attorney General Act claim;

WHEREAS the parties are preparing a joint motion: (1) provisionally certifying a settlement class, (2) preliminarily approving class settlement, (3) directing distribution of notice of settlement and opportunity to opt out, and (4) setting a hearing for final approval of the proposed settlement agreement; as well as preparing a proposed notice of settlement, proposed instructions, and claim form for Court approval;

IT IS HEREBY STIPULATED:

The January 15, 2010 Case Management Conference is continued so the parties can negotiate, prepare and submit the above-mentioned class settlement documents for Court approval and finalize settlement.

DATED: January 6, 2010

RAO ONGARO LLP

By _____ /s/
Anthony J. Rao

Attorneys for Defendant
GENESIS LOGISTICS, INC.

DATED: January 6, 2010

LAW OFFICES OF SHAUN SETARAH

By _____ /s/ _____
Shaun Setarah

Atorneys for Plaintiff
TIM O'NEILL on behalf of himself and all others
similarly situated

FOR GOOD CAUSE, THE FOREGOING STIPULATION IS APPROVED AND IS SO ORDERED. The Court continues the Case Management Conference to

February 26, 2010, at 2:30 a.m.

DATED:

Susan Illston

Honorable Susan Illston